

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 4:06CV00989 HEA
v.)	
)	
GENETIC TECHNOLOGIES LIMITED,)	
)	[JURY TRIAL DEMANDED]
Defendant.)	
)	

**MONSANTO’S MOTION TO COMPEL JURISDICTIONAL
DISCOVERY FROM DEFENDANT**

Pursuant to Fed. R. Civ. P. 37(a), Plaintiff Monsanto Company moves for an order compelling Defendant Genetic Technologies Incorporated (“GTG”) to produce documents and provide full answers in its interrogatory responses. Monsanto’s interrogatories and document requests sought information and documents from GTG regarding Missouri contacts of third parties that have relationships with GTG, including licensees of GTG. Monsanto believes this information is legally relevant to personal jurisdiction under Federal Circuit jurisprudence.

Thus, Monsanto seeks that the Court order GTG to fully respond to Monsanto’s Interrogatory No. 5, and produce all documents responsive to Monsanto’s Request for Production Nos. 5, 6, 7, 28, and 29.

Pursuant to Fed. R. Civ. P. 37(a) and E.D. Mo. L.R. 37-3.04(a), counsel has conferred by telephone, letter, and e-mail with the opposing counsel in good faith, but that, after sincere efforts to resolve their dispute, counsel are unable to reach an accord.

More specifically, Mmes. Patterson, Westcott and Khassian conferred with Mr. Brunelli, counsel for GTG on Monday October 23, 2006 at 11:00 a.m. CST regarding the issues that are the subject of this motion. Although several discovery issues were resolved at that time, counsel were unable to reach an agreement regarding case law interpretation or the proper scope of jurisdictional discovery concerning GTG's relationships with third parties. The parties continued to correspond regarding these matters. Subsequently, on Friday, October 27, 2006 at 9:35 a.m. via e-mail Mr. Brunelli informed Monsanto's counsel that GTG maintained its position. Therefore, Monsanto has sought assistance from the Court to resolve this matter.

Dated: October 30, 2006

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system to those attorneys of record with an email address indicated, this 30th day of October, 2006:

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